



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

March 25, 2013

Ochoco Summit Planning Team
Kate Klein, Forest Supervisor
c/o Ranger Slater Turner
Ochoco National Forest
3160 NE 3rd Street
Prineville, Oregon 97754

Re: U.S. Environmental Protection Agency comments for the Ochoco Summit Trail System Project
Draft Environmental Impact Statement, Crook County Oregon.
EPA Project Number: 09-067-AFS.

Dear Ms. Klein:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our section 309 authority, our review of the DEIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

The DEIS documents the analysis of four alternatives. The no-action alternative would not develop or designate trail for Off-Highway Vehicles. Alternative 2, the proposed action, would create a 170-mile trail network intended for motorcycles, ATVs, and Jeeps and 4x4 trucks. Alternative 3 would create a 101 mile network and not designate trails for jeeps and 4x4s. Alternative 4 would create a 212-mile trail network with areas for all three classes of OHVs.

We support the proposal's purpose to designate a sustainable system of roads, trails and areas open to motor vehicles that will provide legal public access, enhance regulation of unmanaged wheeled motor vehicle travel, protect resources, and decrease conflicts between motorized and non-motorized use on the Ochoco National Forest.

Project Design Criteria and Monitoring

Consistent with our December 18, 2009 scoping comment, we continue to believe that providing for motorized recreation that does not harm sensitive environmental resources can be as much a function of effective implementation and administration as it is a function of the specific combination of designated routes. Overall, the DEIS's inclusion of clear project design criteria and monitoring elements set the stage for effective implementation and administration. We especially support specific design elements for trails over 20% grade, using established in-water work windows, constructing cross-drainage features approximately every 50 feet up-hill from stream crossings to prevent channelizing sediment into streams, and sizing stream crossing structures to the 100-year flood level and to pass all aquatic

organisms.¹ We also support and encourage the inclusion, where possible, of specific decision thresholds and management responses. A good example of a decision threshold with management response from the DEIS is the erosion related project design criterion to shut down trails (or areas) if rutting, rilling, and gullyng occurs until rehabilitated or reconstructed.

Compensatory Mitigation

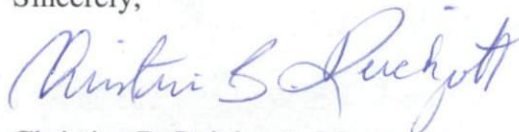
While we believe that effective implementation and administration of project design criteria and monitoring substantially minimizes potential effects, we remain concerned about the action alternatives' potential unavoidable adverse effects – such as reduced water quality from increased sedimentation and turbidity. We are especially concerned about increased sediment delivery from trails less than 300 feet from a stream channel. To compensate (consistent with 40 CFR 1508.20 (e)) for unavoidable adverse impacts, we recommend that the Forest consider off-setting the impacts of new trail, new disturbance or increased use within sensitive areas with active decommissioning of user-created trails of commensurate length or disturbance area.

While we have focused on the sensitivity of riparian areas, we believe compensatory mitigation could be applied to other sensitive areas as well – such as: wildlife habitat, areas with rare plants or high likelihood of increasing the spread or introduction of invasive species, areas with high potential for conflict with non-motorized recreationists, and areas with cultural resources and historic properties.

We are rating the DEIS Environmental Concerns – Adequate (EC-1). Our EC-1 rating means that we believe the DEIS adequately sets forth the environmental impacts of the alternatives and that additional mitigation - such as, but not limited to, our suggestion for compensatory mitigation - would be needed to achieve full protection of the environment. A copy of our rating system is enclosed.

Thank you for this opportunity to continue our work with the Forest on travel management planning. If you have any questions please contact me at (206) 553-1601, or by electronic mail at reichgott.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382, or by electronic mail at peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

¹ DEIS, p. 27-28

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.